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Attorneys for Defendant

CITY AND COUNTY OF HONOLULU

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIC A. )  
POWELL, THROUGH PERSONAL )  
REPRESENTATIVE MARK K. )  
POWELL; THE ESTATE OF JAMES )  
D. LAUGHLIN, THROUGH )  
PERSONAL REPRESENTATIVE )  
RAGINAE C. LAUGHLIN; MARY )  
K. POWELL, INDIVIDUALLY; )  
RAGINAE C. LAUGHLIN, )  
INDIVIDUALLY; CHLOE )  
LAUGHLIN, A MINOR, THROUGH )  
HER NEXT FRIEND, RAGINAE C. )  
LAUGHLIN, )

Plaintiffs, )

vs. )

CITY AND COUNTY OF )  
HONOLULU, )

Defendant, )

and )

CITY AND COUNTY OF )  
HONOLULU, )

Third-Party )  
Plaintiff, )

vs. )

UNIVERSITY OF HAWAII, a body )  
corporation; JOHN DOES 1-10; )  
JANE DOES 1-10; DOE )

CIVIL NO. CV04 00428 LEK

DEFENDANT CITY AND COUNTY  
OF HONOLULU'S MOTION TO  
EXCLUDE TO RICHARD GILL,  
PH.D.

Hearing:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Judge: Hon. Leslie E. Kobayashi

TRIAL: April 3, 2007

CORPORATIONS and DOE )  
ENTITIES, )  
 )  
Third-Party )  
Defendants. )  
 )

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DEFENDANT CITY AND COUNTY OF HONOLULU'S  
MOTION TO EXCLUDE TO RICHARD GILL, PH.D.

Defendant CITY AND COUNTY OF HONOLULU, by and through its attorneys, Lyons, Brandt, Cook & Hiramatsu, hereby moves this Honorable Court for an order to exclude Plaintiff's expert, Richard Gill, Ph.D., and prevent him from testifying at trial on any matter relating to lifeguard performance or duty of care and the provision of lifeguard services by the City and County of Honolulu, matters relating to water safety, and other matters outside the scope of his expertise or which are not properly the subject of expert testimony.

This Motion is brought pursuant to Rules 104 and 702 of the Federal Rules of Evidence and Rule 7 of the Federal Rules of Civil Procedure, and is based upon the memorandum, declaration and exhibits attached hereto, and the record and file herein.

DATED: Honolulu, Hawaii, March 7, 2007.

/s/ Stefan M. Reinke  
THOMAS E. COOK  
STEFAN M. REINKE  
Co-Counsel for Defendant  
CITY AND COUNTY OF  
HONOLULU

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIC A.	)	CIVIL NO. CV04 00428 LEK
POWELL, THROUGH PERSONAL	)	
REPRESENTATIVE MARK K.	)	CERTIFICATE OF SERVICE
POWELL; THE ESTATE OF JAMES	)	
D. LAUGHLIN, THROUGH	)	
PERSONAL REPRESENTATIVE	)	
RAGINAE C. LAUGHLIN; MARY	)	
K. POWELL, INDIVIDUALLY;	)	
RAGINAE C. LAUGHLIN,	)	
INDIVIDUALLY; CHLOE	)	
LAUGHLIN, A MINOR, THROUGH	)	
HER NEXT FRIEND, RAGINAE C.	)	
LAUGHLIN,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
CITY AND COUNTY OF	)	
HONOLULU,	)	
	)	
Defendant,	)	TRIAL: April 3, 2007
	)	
and	)	
	)	
CITY AND COUNTY OF	)	
HONOLULU,	)	
	)	
Third-Party	)	
Plaintiff,	)	
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vs.	)	
	)	
UNIVERSITY OF HAWAII, a body	)	
corporation; JOHN DOES 1-10;	)	
JANE DOES 1-10; DOE	)	

CORPORATIONS and DOE )  
ENTITIES, )  
 )  
Third-Party )  
Defendants. )  
\_\_\_\_\_ )

### CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2007 and by the methods of service noted below, a true and correct copy of the foregoing was duly served on the following at their last known addresses:

**Served Electronically through CM/ECF:**    E-mail address

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HONOLULU	

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DATED: Honolulu, Hawaii, March 7, 2007.

/s/ Stefan M. Reinke  
THOMAS E. COOK  
Stefan M. Reinke  
Co-Counsel for Defendant  
CITY AND COUNTY OF  
HONOLULU